

The Honorable Barbara J. Rothstein

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NO. 3:22-cv-5043

ANGELINA SMALLS, et al.,
Plaintiffs,

v.

CITY OF TACOMA and RYAN BRADLEY,
Defendants.

**ORDER RE: MOTIONS IN LIMINE
AND OTHER PRETRIAL
OBJECTIONS**

The Court has reviewed the parties' respective motions in limine and the parties' proposed witness lists, deposition designations, and voir dire questions, and any objections thereto, and rules as follows.

1. Motions in Limine

The Court DENIES Plaintiffs' motion to exclude the results of the toxicology tests performed on decedent after his death. The information contained therein may tend to make the parties' competing versions of events on the night of decedent's death more or less likely and is therefore relevant. The Court GRANTS Plaintiffs' motion to exclude evidence and argument concerning the Tacoma Police Department Use of Force Review Board's investigation and conclusions related to the shooting, and the Pierce County Prosecuting Attorney's Office decision not to prosecute Defendant Bradley for the shooting death of decedent, as the investigations'

ORDER

standards differ from the standard a jury will apply in this case and may therefore cause confusion, and the evidence is not relevant to what the officers knew at the time of the shooting. Proposed witnesses and exhibits related to these investigations shall be excluded.

The Court DENIES Plaintiffs' motion to exclude evidence of the decedent's criminal and incarceration history, and other evidence that may be relevant to any damages award. The Court will allow such testimony, however, only in the event Plaintiffs obtain a liability verdict in their favor. In other words, the trial will be bifurcated into a liability phase and a damages phase. The parties are directed to bring to the Court's attention as soon as practicable any additional considerations this ruling may require.

The Court GRANTS Defendants' motion to exclude evidence and argument concerning Bradley's representation by a criminal defense attorney during the investigations into the shooting, finding such evidence may be prejudicial.

2. Proposed Witnesses Objections

In addition, the Court SUSTAINS Plaintiffs' objections to the testimony of witnesses who were not disclosed to Plaintiffs prior to the discovery cutoff, except to the extent that such witnesses are needed to authenticate otherwise admissible exhibits. Therefore, for example, testimony of Defendants' witness Tiffini Buchanan will be allowed.

3. Deposition Designations Objections

The Court SUSTAINS Plaintiffs' objections to Defendants' deposition designations, as set forth in the parties' Joint Pretrial Statement at p.1. The designations shall be allowed only if Defendants include the entire question and entire answer as requested by Plaintiffs.

ORDER

